

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BUNGIE, INC.,

Plaintiff,

v.

AIMJUNKIES.COM; PHOENIX
DIGITAL GROUP LLC; DAVID
SCHAEFER; JORDAN GREEN;
JEFFREY CONWAY; and JAMES MAY,

Defendants.

No. 2:21-cv-811-TSZ

DECLARATION OF WILLIAM C. RAVA
IN SUPPORT OF BUNGIE, INC.'S
REQUEST FOR ATTORNEYS' FEES AND
COSTS

I, William C. Rava, declare as follows:

1. I am an attorney licensed to practice law before the courts of the State of Washington. I am a Partner at Perkins Coie LLP, and counsel in this action for Plaintiff Bungie, Inc. ("Bungie" or "Plaintiff"). I submit this declaration in support of Bungie, Inc.'s Request for Attorneys' Fees and Costs. I have personal knowledge of the facts stated herein and, if called upon, could and would testify competently thereto under oath.

2. Bungie seeks an award of attorneys' fees and costs totaling \$17,478.25 in connection with its preparation for and attendance at the March 20, 2023 deposition of defendant Phoenix Digital Group, LLC's corporate representative, David Scheafer (the "March 20 Deposition").

RAVA DECL. ISO BUNGIE'S
REQUEST FOR FEES AND COSTS
(No. 2:21-cv-811-TSZ) – 1

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1 3. I am the lead attorney on this case. For more than two decades, I have focused my
2 practice on trademark and copyright litigation, helping clients resolve disputes before state and
3 federal courts, at the Trademark Trial and Appeal Board, and in arbitration. I have particularly
4 deep experience representing video game clients, including successfully defending Blizzard
5 through trial on trademark infringement claims and, with Mr. Marcelo, recently winning summary
6 judgment for Nintendo against a distributor of illegal ROMs. I am a past chair of the firm's
7 national trademark, copyright and trade secret litigation group; am active in the International
8 Trademark Association; regularly speak and publish on intellectual property issues; and have been
9 recognized by *World Trademark Review*, *Best Lawyers*, and *Managing IP*, among others, for
10 intellectual property litigation skills. In connection with the March 20 Deposition, I assisted with
11 Mr. Marcelo's preparation for the deposition.

12 4. Christian Marcelo is Counsel at Perkins Coie. Mr. Marcelo also focuses his practice
13 on intellectual property matters involving trade secrets, trademarks, copyrights, trade dress,
14 domain name litigation, and contract disputes. Mr. Marcelo took the March 20 Deposition.

15 5. Jacob Dini is an associate with Perkins Coie. Mr. Dini focuses his practice on
16 intellectual property matters involving trademarks, trade dress, copyrights, and trade secrets,
17 regularly litigating trademark and copyright matters in federal court. Mr. Dini also has significant
18 experience representing video game clients in intellectual property disputes. In connection with
19 the March 20 Deposition, Mr. Dini also assisted with Mr. Marcelo's preparation for the deposition.

20 6. Attached as **Exhibit 1** is a copy of biographies that summarize the attorneys'
21 respective expertise and professional experience.

22 7. All timekeepers involved in this matter on behalf of Bungie recorded their time
23 contemporaneously. All attorneys are instructed that they are legally and ethically obligated to
24 accurately record their time. To the best of my knowledge, Perkins Coie's billing records
25 accurately reflect the time that these attorneys devoted to this matter.
26

1 8. A true and correct copy of detailed time entries, together with the associated
2 invoice, which were compiled from contemporaneously created time records maintained by
3 Bungie's counsel, isolating the total number of hours for which Bungie seeks fees for each
4 timekeeper in connection with the March 20 Deposition, is attached as **Exhibit 2**. I have reviewed
5 these time entries and can confirm to the best of my knowledge that all billing attorneys and other
6 timekeepers efficiently discharged their duties in litigating this case. All the time reflected in
7 Exhibit 2 was reasonably spent and necessary to the March 20 Deposition.

8 9. The hourly rates reflected in Exhibit 2 are the customary rates charged to corporate
9 clients for the attorneys involved in Bungie's representation at the March 20 Deposition. While at
10 the high end of hourly rates for large law firms that practice in the Western District of Washington,
11 our rates are in the range of prevailing rates in this community and compare favorably with rates
12 charged by other national law firms headquartered out-of-state who practice in Seattle courts and
13 who, in some instances, have an office in King County, Washington.

14 10. In total, Bungie is seeking \$15,489 in attorneys' fees, plus an additional \$1,989.25
15 in costs.

16 11. As to costs, Bungie seeks to recover expenditures for the court reporter and
17 videographer fees, including transcripts, for the March 20 Deposition. These costs were necessary
18 for the March 20 Deposition, and invoices related to these costs are attached as **Exhibit 3**.

19 12. Bungie's requested attorneys' fees and costs in connection with the March 20
20 Deposition are reasonable in the circumstances. Preparing for and conducting the deposition
21 involved a substantial amount of work. The deposition addressed topics related to both Bungie's
22 three affirmative claims in this federal court litigation (copyright infringement, trademark
23 infringement, and false designation of origin), as well as Phoenix Digital Group, LLC's ("Phoenix
24 Digital") breach of contract counterclaim. It involved the review of Defendants' written discovery
25 responses as well as documents produced by Defendants. Mr. Schaefer's and Defendants'
26 counsel's conduct during the deposition also extended the deposition length.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 7th day of July, 2023.

/s/William C. Rava
William C. Rava